

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WILLIAM HARRIS,)	
)	Civil Action No. 05 - 279
Plaintiff,)	
)	Judge Terrence F. McVerry /
v.)	Magistrate Judge Lisa Pupo Lenihan
)	
DR. MICHAEL JOSEPH HERBIK, D.O.,)	
M.D.; ROBERT TRETNIK, RN, CHCA;)	
NEAL K. MECHLING, Superintendent;)	
CAROL SCIRE, Superintendent Assistant;)	
DARLENE LINDERMAN, Mailroom)	
Supervisor; CHARLES MARTIN, Security)	
Lieutenant; LINDA D. HARRIS, Deputy)	
Superintendent,)	
)	
Defendants.)	

ORDER

Plaintiff's Complaint in this civil rights action was filed in March 2005. In April 2005 Plaintiff filed an Amended Complaint. A motion for leave to file a supplemental complaint was filed on November 14, 2005. Other pending motions include a Motion for a Temporary Restraining Order and Preliminary Injunction and a Motion for an order for a physical examination. Nothing has been served to date.

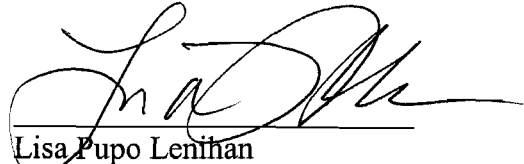
If Plaintiff's motion to file a supplemental complaint is granted, there will be three separate documents setting forth Plaintiff's claims. This is confusing, at best. In addition, those documents filed prior to the inception of the court's electronic filing system on July 1, 2005, cannot be located. The Court apologizes for this situation but, rather than delay the case any longer while we continue to try to locate the documents, the Court **ORDERS** as follows:

Plaintiff's Motion to file a Supplemental Complaint is **DENIED**. However, Plaintiff is

granted leave to file a Second Amended Complaint, which shall set forth all claims he wishes to pursue in this matter, including those that he asked to add in the proposed "Supplemental Complaint." The Second Amended Complaint shall be filed no later than February 28, 2006 and, for the purposes of any statute of limitations, it shall be deemed to relate back to the date of Plaintiff's filing of his motion for leave, November 14, 2005.

IT IS FURTHER ORDERED that the Motion for Temporary Restraining Order and for Preliminary Injunction are **STRICKEN** and may be re-filed by Plaintiff. The Court will make every effort to promptly serve the Second Amended Complaint as well as any re-filed motion(s).

Dated: January 20, 2006



Lisa Pupo Lenihan
United States Magistrate Judge

cc: WILLIAM HARRIS
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